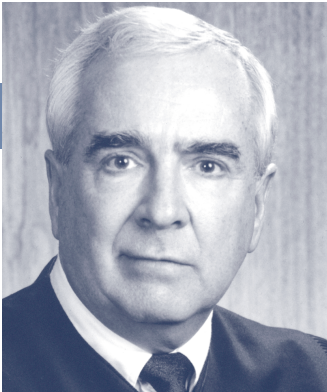


IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS



DECEMBER 2003

Kidwell to Step Down from Supreme Court

He has served as a prosecutor, a legislator, Idaho's Attorney General, and a justice of the Idaho Supreme Court. Wayne Kidwell has been able to view and impact the legal and judicial system in Idaho from virtually every angle.

Justice Kidwell shares the distinction, with the late Chief Justice Allan Shepard, of being the only Idahoans to have served in all three branches of state government, and Kidwell also served in a senior Justice Department post in the federal government.

Now he's headed off to a new phase of his life: retirement from the high court, senior status as an Idaho judge, and more time for his passionate interest in photography and travel.

"There comes a time when everyone has to make the call (to retire)," Kidwell said recently. "I made quite an issue of the people selecting judges, so it's not a question of serving two more years, but serving six more."

"I felt that it was the better part of valor to leave now. I'm not mad at anyone, I have no causes, I'm not running for anything and I do have other passions."

Justice Kidwell said he is looking forward to continuing to serve part time as senior judge. "I still enjoy the work, and I want to stay active," he said.

Kidwell, who won election to the Supreme Court in 1998, said he takes real pride in his service in all three branches of state government, as well as the federal system.

"I point out that I started out enforcing the law, then had a time when I was helping make the law, then carrying out the laws and now interpreting the law," Kidwell said. "I think putting all that together, it is time to give others a chance to serve."

Kidwell said as a lawyer "all those years" he was skeptical of how hard judges work, but "I shouldn't have been so skeptical. I have come to appreciate the rigors of the job. It is very enjoyable, but it is rigorous. It takes real time and effort."

Kidwell said he is really looking forward to more aggressively pursuing his "three decade passion for fine art photography." The Justice's photographs have often graced Supreme Court publications.

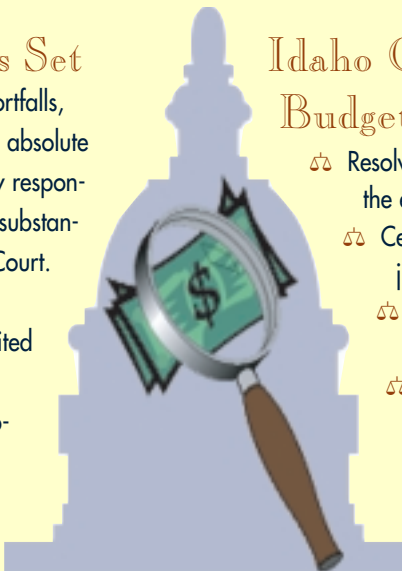
Legislative and Budget Priorities Set

In light of the state's continuing and significant budget shortfalls, the Supreme Court limited its FY05 budget requests to the absolute minimum required to meet the Constitutional and statutory responsibilities of the Idaho courts to resolve disputes fairly and substantially within the time standards adopted by the Supreme Court.

The Court is maintaining a watchful eye on dollars deposited into the dedicated fund, and will alert the Legislature of future needs to support expansion of these important innovations and critically needed sentencing alternatives.

Idaho Courts FY05 Budget Priorities:

- ⚖️ Resolve disputes fairly and timely through the expanded use of Senior Judges.
- ⚖️ Certified Court Interpreter funds in five judicial districts.
- ⚖️ Restore operating expenses for the Snake River Basin Adjudication.
- ⚖️ Continue Youth Courts and Status-Offender Services to address tobacco and substance abuse.



Forums Held in Lewiston and Rexburg

As part of the State Justice Institute Solutions Project Grant, a variety of public forums are being held across the state. The forums seek the active participation of community leaders, court officials, and the general public to discuss challenges facing the Idaho Courts, and to focus on three or four critical problems that have been identified by the Leadership Conference.

Chief Justice Linda Copple Trout said the community meetings are part of her and the Court's on-going efforts to reach out to Idahoans in order to explain issues involving the state's court system and to listen to the perspectives of Idahoans.

"Idaho judges and court personnel are constantly looking for ways to improve our service to our citizens," the Chief Justice said.

Chief Justice Linda Trout and Justice Roger Burdick presided over a public forum in Lewiston recently. The Chief Justice reported on the Judiciary's outreach programs such as the Court Assistance Offices, Court Interpreters, and Drug Courts.

A third in a series of these community outreach meetings was held in late October on the campus of BYU-Idaho in Rexburg. Chief Justice Trout made a presentation concerning current issues and initiatives of the Idaho courts, followed with time for questions and comments from those in attendance.

For additional information, contact Patti Tobias, Administrative Director of the Courts 208-334-2246.

Leadership Recommendations Discussed by Court

The Supreme Court has acted on several recommendations of the recent Leadership Conference. The Court voted to add the immediate past-president and president-elect of the Magistrate Judges Association as voting members of the Administrative Conference. Administrative District Judges, Trial Court Administrators, and the presidents of the District Judges Association and Magistrate Judges Association already vote on behalf of the district courts statewide.

In addition, the Court reaffirmed that Trial Court Administrators will participate fully in the Administrative Conference. The Court also set a standard of three years or longer as the term of an Administrative District Judge.

Chief Justice Trout also reported that the Court had fully discussed and determined that the selection of Administrative District Judges should continue as established by statute.

Survey Considers Leadership Agenda for Courts

The Idaho Supreme Court has been awarded a State Justice Institute Solutions Project Grant, which includes funding for a survey of fifteen western states. The survey was designed to develop a benchmark three areas related to court leadership:

- 1 Issues which the leadership of these courts considered to be the most critical to the success of the courts;
- 2 The existence, purpose and composition of statewide governance structures; and,
- 3 The impact of reduced funding on the core activities and staffing of the courts.

The survey summary was used as one foundation for the recent Leadership Conference.



A round-up of judicial personnel making news across Idaho



McDougall to Retire

Bannock County Magistrate Judge Dan McDougall is looking forward to a college class in American history at Idaho State University that he has long thought of taking when he retires in January after 21 years as a Magistrate Judge.

"I have really enjoyed it," McDougall said of his judicial career, 11 years of

which were spent hearing all juvenile and child protection cases in Bannock County. "I really enjoyed that time. It is the type of work where you feel you could do some good."

McDougall admits that dealing with the "tragic issues in these families and with these children" was draining and demanding. "Eleven years of that meant it was time to take on other judicial responsibilities," McDougall said.

For the last ten years the Judge has handled the full variety of cases that come to Magistrate Court in Bannock County.

McDougall, who attended law school at the University of Tulsa, said "not in my dreams" did he believe he would spend a good part of his career on the bench. "It just kind of fell in place, but it has been a very great honor to be a judge and I truly hope I've done some good."

McDougall said he remains concerned about the caseload demands facing judges. "I hope we don't work our judges to death," he said. He described the judicial systems as often "a conveyor belt" that gets loaded up with cases that must be processed and the time and workload demands can be wearing.

The Judge said he has great hope for the continued success of drug courts, which he said have really started to make a positive impact in Bannock County.

McDougall said he hopes to be able to handle some cases as a senior status judge, but is immediately looking forward to "reflecting and unwinding" and, of course, sitting in on that history class he has always wanted to take.

Governor Appoints Ron Bush to 6th District Position



"Everyone had a great time getting Judge Ronald A. Bush set up and sworn in. Judge Mitchell from up north came down and did the swearing in. A good time was had by all," said Trial Court Administrator Suzanne Johnson.

Governor Dirk Kempthorne has named Pocatello attorney Ronald A. Bush as the new Sixth District Court Judge. He replaces Judge William H. Woodland, who is retiring from the bench after 25 years of distinguished service to the citizens of Idaho and the Sixth Judicial District. For the complete story, see the Governor's press release at: http://www2.state.id.us/gov/mediacenter/press/pr03/prsep03/Pr_092.htm

5th District Judges Take Office

Oath of Office ceremonies for both District Judges G. Richard Bevan and John K. Butler took place in the Theron Ward Judicial Building in Twin Falls during the month of November.

See the attached press release: http://www2.state.id.us/gov/mediacenter/press/pr03/proct03/Pr_107.htm

Melanson to Preside Over SRBA

Fifth District Judge John M. Melanson has been named the presiding judge of the Snake River Basin Adjudication effective October 1, 2003.

Judge Melanson replaces former District Judge Roger S. Burdick who was appointed as a Justice of the Idaho Supreme Court August 1, 2003. Burdick had presided over the process since 2000. The order appointing Judge Melanson noted that he has full authority to delegate or assign responsibility for handling matters regarding the general adjudication to other judges of the Fifth Judicial District, at his discretion.

Magistrate Association Elects Officers

At a meeting held during the Magistrate Judges Institute, the Magistrate Judges Association elected the following officers:

- President - Judge Barry Watson / Kootenai County
- President-Elect - Judge Timothy Hansen / Ada County
- Secretary-Treasurer - Judge Debra Heise / Bonner County


Judge Robert Elgee will continue to attend the Administrative Conference as past-president.

New Member Named to Judicial Council

Governor Kempthorne has appointed J. Philip Reberger of Boise to the Idaho Judicial Council to replace the late Nick Ifft. Reberger's Judicial Council term of office started September 18, 2003 and will expire July 1, 2009.

Hosack Re-elected ADJ

At a recent meeting of First Judicial District Judges in Coeur d'Alene, Judge Charles Hosack was unanimously re-elected as Administrative District Judge for the next two years.



New Orders & Rule Changes

<http://www2.state.id.us/judicial/rulesamd.htm>

- ⚖️ **2nd District Court Rules Amended**
Order amending local rules of the 2nd District in re: Medical Support Orders:
<http://www2.state.id.us/judicial/02order.htm>
- ⚖️ **Amendments to I.B.C.R. Rules 202, 204, 206, 210, 221, 305, etc. - August 12, 2003, effective immediately**
<http://www2.state.id.us/judicial/isb20203.htm>
- ⚖️ **New Court Rules / Amendments**
In Re: Amendment of I.A.R. Rule 35(h) - October 17, 2003, effective immediately

Judicial Education



Magistrate Judges Institute

Workshops during the recent Magistrate Judges Institute included, Judicial Update Roundtable discussions, computer training, and legal writing. Speakers covered a variety of topics, including Family Law Case Developments, Criminal Case Developments, Evidence, Civil Case Developments, an Ad Hoc Drug Court Judges Meeting, recent developments in Judicial Ethics, and bankruptcy issues affecting the Magistrate Division with an emphasis on Family law and civil proceedings.

2003 Distance Learning Program

Clerks and Deputy Clerks gathered in each judicial district to participate in the annual Distance Learning Program held on the afternoon of November 7th. Nearly 150 attendees benefited from the presentation by Lois Dawson, Chief Deputy Clerk, and Dolores Beaver, Deputy Clerk, on the steps in preparing the Clerks Record for Appeals to the Supreme Court. Karen Lansing, Chief Judge of the Court of Appeals, joined the group to provide an overview of the appellate process and emphasize why the deputy clerk duties are so critical to this process.

Suzanne McCorkle, Professor of Communication BSU, provided an engaging presentation on teamwork and conflict resolution. The presentation allowed some group exercises at individual sites and the participants learned from others as they reported results back to the group. (Patti Tobias and Cathy Derden ended the session with an overview of the legislative and rules process and explained how the statutes and rules guiding the court activities are drafted and passed.)

The annual Distance Learning Program provides an opportunity to bring clerks and deputy clerks together around the state without the cost and time requirements of travel. The next training will be held in the Fall of 2004. Any ideas or suggestions for the training should be sent to Sharon Burke at sburke@idcourts.net.

Mark Your Calendars!!

May 17-21, 2004
New Judge Orientation

October 25-29, 2004
Magistrate Judges Institute



2nd District News

The 2nd Judicial District's Family Court Services Advisory Board selected Alfred J. Cole as Family Court Services Officer for the district. Cole has most recently been providing coordinated care services, including case management and psychosocial rehabilitation services for families in the Region II Mental Health District. He has worked as a chemical dependency counselor with several organizations in the state of Washington and served for a number of years as a drug and alcohol counselor for the U.S. Marine Corp. He has an MS in Developmental Psychology from Eastern Washington University.

Latah County recently completed a re-carpeting project of the District Court administrative offices. This project proved to be quite a feat to arrange alternative spaces for the day-to-day functions of the District Court. We were dislocated for approximately four days. Everyone worked together to make it all come together. We now have freshly painted walls and new carpet for the first time since about 1990. It looks wonderful.

Latah County Magistrate Judge William C. Hamlett was the subject of a front page feature story in a recent Sunday edition of the Lewiston Morning Tribune. The Judge talked about his experiences on the bench, the satisfaction he feels at being a Judge, and his communications with the people who appear before him. Judge Hamlett says he has enjoyed his judicial career at the Magistrate level, a level where you deal with people. The Judge also discussed the chemotherapy treatments he has gone through since being diagnosed with non-Hodgkins lymphoma two years ago. He was back to work within eight days. He is a very important part of our Latah County Courthouse family and we are also pleased with the success of his chemotherapy treatments.

District Judge John Stegner has overseen the successful implementation of a drug court program in Latah County over the last two years. The county has had three graduations. Judge Stegner says the program takes time for all involved, but feels the results warrant the increased time and effort, because it does help individuals get their lives back in order and it gives people renewed hope that they can become a positive part of their families and communities.



Committee Changes Announced

Justice Daniel Eismann Chairs the Drug Court Coordinating Committee. Members newly appointed include Tom Beauclair and Gary Barrier from the Department of Correction, Representative Richard Wills from the House of Representatives, Emily Ray, Drug Court graduate, Jim Guthries, Bannock County Commissioner, and Sarah Woodley, BPA Health, will serve until further order of the Court. Rudy Evenson, Michael Rothwell, Brian Curry,

Val Hoylberg, John Southworth, Joann Moore, and Liz Lovell are released from the duties they previously held on the Committee.

Judge Robert Burton has asked to be released from the duties associated with the Foster Care Committee. Judge Barbara Buchanan has accepted the Court's invitation to fill the vacancy and will serve until further order of the Court.

Access Committee

Idaho's Court Assistance Offices continue to be heavily utilized. The Court's Access Committee has prepared the following summary of activity.

Court Assistance Offices Services Provided

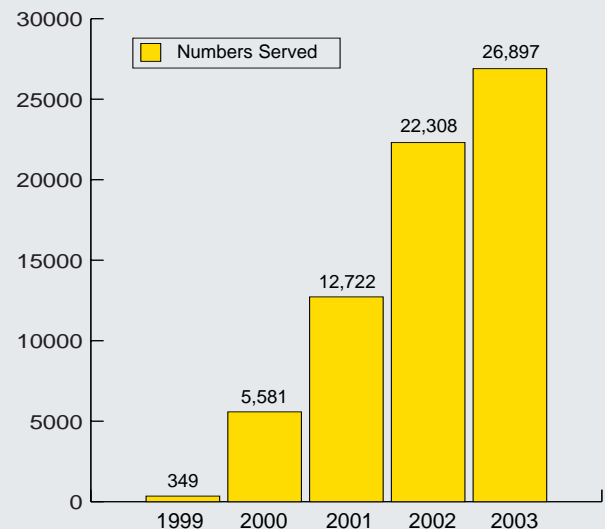
January 1 to September 30, 2003

Seventeen Court Assistance Officers work in twenty-six counties with services available statewide. The offices provide access to legal referrals, forms and instructions on family law cases. The following statistics have been reported for the period from January 1, 2003 to September 30, 2003.

Numbers Served by Court Assistance Offices

Note: Estimates utilized for Valley County and Seventh District.

| District | Jan 1 - Sep 30 2003 | Jan 1 - Dec 31 2002 |
|----------------|------------------------|------------------------|
| 1st District | 2,140 | 3,247 |
| 2nd District | 2,347 | 2,604 |
| 3rd District | 1,344 | 950 |
| 4th District * | 7,324 | 7,902 |
| 5th District | 424 | 711 |
| 6th District | 2,176 | 1,985 |
| 7th District * | 4,418 | 4,909 |
| Total | 20,173 | 22,308 |



At this rate, the offices will provide services to over 26,000 Idahoans in 2003; a 20% increase from 2002 and over 380% increase from 2000, their first full year of operation. Note: 2003 Fourth Quarter Numbers are estimates.



County Celebrates 5th Anniversary

The Kootenai County Adult Drug Court celebrated their fifth anniversary earlier this year with approximately 50 people attending the celebration. Guest speakers included Tom Beauclair, Director of the Department of Corrections, Bill Douglas, Kootenai County Prosecutor, and John Adams, Kootenai County Public Defender. A Drug Court graduate and two participants of the Drug Court program also shared their powerful, personal stories.

Corrections Director Beauclair expressed support for the drug court programs statewide, saying that drug courts have directly benefited his agency.

"We have had the luxury of having Ruth Brownlee, Senior Probation Officer, with our team from the start. Her expertise and professionalism has contributed to the strength of our program's backbone", Beauclair said.

Judge Eugene Marano, who has presided over the drug court for the past four years, spoke about why he enjoys being part of drug court, introduced the guest speakers and ended the program by saying some very kind words about Tanya Gomez, Kootenai County Drug Court Coordinator.

Drug Court team members report that the celebration was a great success and a boost to all the team members. Ada County's drug court personnel were kind enough to send a special card created by one of their participants.

"This program has been both a challenge and a joy. At the open house, the drug court project lit something within me and each and every graduation keeps that fire burning. I look forward to many more years filled with challenges and successes", said Tanya L. Gomez, Drug Court Coordinator. She can be reached at 208-446-1823.

2nd District Drug Court Selected for Training

The Second Judicial District has been selected to participate in the three-session series of trainings for implementing a juvenile drug court. Following the year-long training, the district will be eligible to compete for an operations grant from the Office of Justice Programs to establish its juvenile drug court.

Oneida County Awarded Grant

Oneida County has been awarded \$200,059 (effective 9/30/03) by the U.S. Department of Justice, Office of Justice Programs, to fully implement an adult misdemeanor drug court that utilizes the 10-key components of drug courts. Congratulations!

Bannock County Recognizes Graduates

Judge Randy Smith presided over the Bannock County Drug Court's graduation ceremony of the third, fourth and fifth Drug Court graduates. Chief Justice Trout participated as a special guest speaker. The ceremony was well attended by family, friends, legislators, and members of the community.



Family Court Services Coordinator

Welcome Alfred J. Cole as the new Second Judicial District Family Court Services Coordinator. Alfred Cole specializes in the areas of childhood development and family and parenting education. Alfred has a Bachelor of Science in Developmental Psychology and has completed a graduate study program in developmental psychology through Eastern Washington University. Alfred Cole has over 17 years experience as a drug and alcohol counselor with the U.S. Marine Corps. He has received the Presidential Service Medal and the Humanitarian Service Medal. Alfred will be coordinating services in the Second District as well as providing direct services to families with children. He will specifically focus on conducting environmental and developmental risk assessments with a focus on the needs of the children. Alfred Cole can be contacted at (208) 503-0445; e-mail: bsplanner@cablone.net.

Important Websites

Idaho Fiscal Facts Available Online

A publication compiled by the Budget and Policy Analysis office of Idaho's Legislative Services, entitled "Idaho Fiscal Facts – A Legislator's Handbook of Facts, Figures and Trends" is online at: <http://www.jfac.state.id.us/Publications/PDFs/FiscalFacts/FY2004/FFFrame.htm>



♣ **Idaho Supreme Court:** <http://www2.state.id.us/judicial/>

♣ **Idaho State Law Library:**
<http://www2.state.id.us/lawlib/lawlib.html>

♣ **Idaho State Bar:** <http://www2.state.id.us/isb>

♣ **Court Assistance Offices:** <http://www2.state.id.us/cao>

♣ **Idaho Law Foundation 2001 – 2002 Annual Report Online:**
http://www2.state.id.us/isb/gen/ilf_info.htm#Annual

♣ **National Center for State Courts:** <http://www.ncsconline.org>

Odds & Ends

Civil Jury Instructions Disseminated

The Supreme Court – having earlier appointed members of the Civil Jury Instructions Committee, including Justice D. Duff McKee as chair and Cathy Derden, Recorder, charged the committee with conducting a detailed review of the pattern jury instructions and making recommendations to the Court for amendments to the instructions.



That process, being carried out over an extended period of time and in great detail, is now complete and the Court is in receipt of the recommended Civil Jury Instructions of 2003. Although the Court is not approving of any specific instruction and will simply deal with those instructions through appellate review, the Court does hereby accept the recommendations of the committee and the instructions shall be disseminated for general use by the trial bench and the Bar in Idaho.

The instructions are available on the Court's website in Word and as a pdf file – link: <http://www2.state.id.us/judicial/juryord.htm>, and will be published on the Judges CD and Benchguide; Idaho State Bar Casemaker, and is available in hardcopy by request to Melba Capelli at mcapelli@isc.state.id.us. Upon request, copies will be printed and distributed to requesting judges at either the Magistrate Judges Institute or the District Judges Seminar. The Judicial Education Committee is also examining its distribution on other software.

2020 Task Force Report Available On-line at:

<http://www.idaho2020taskforce.org/finalreport/>
Please note that the complete report is 630 pages long – look on the index for the "Executive Summary."

Salaries Report Given to Governor

Every year on October 1st, the Idaho Human Resources (DHR) Administrator must provide the Governor with a report on state employee salaries and recommendations for change. The report can be viewed at <http://www.dhr.state.id.us/comp/CECReport03.pdf>

"This report is just the beginning of the discussions that take place around the total compensation package for state employees and the related budget decisions the Governor will be considering for next fiscal year," said the DHR Administrator, Ann Heilman.

Survey of Judicial Salaries

The National Center for State Courts recently published the "Survey of Judicial Salaries," which can be found on-line at: http://www.ncsconline.org/WC/Publications/KIS_JudComJudSa1040103Pub.pdf

American Judicature Society Names New Board

The American Judicature Society (AJS) announced that those joining the Board of Directors include Dean Donald Burnett, Jr. (University of Idaho Law School). Those leaving the Board of Directors included retired Justice Jesse Walters.

Law Day – Saturday, May 1, 2004

May 1, 2004 is the official date, but Law Day can be observed on any date, traditionally in April or May.

In fact, Law Day observances can extend over several days, weeks, or even year-round. The website www.lawday.org has a wealth of Law Day information. Access their website to sign-up for their Law Day e-mail distribution list, giving you Law Day updates throughout the year.



JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Linda Copple Trout

Justice Gerald F. Schroeder

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

Justice Roger S. Burdick

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www2.state.id.us/judicial/calendar.htm>